

COUNTY OF SUFFOLK



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DEPARTMENT OF LAW

April 20, 2020

Hon. Ramon E. Reyes, Jr., U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Aubin v. County of Suffolk et.al.
19-cv-4985 (DLI)(RER)

Dear Judge Reyes:

The Suffolk County Attorney's Office represents the County Defendants in the above-referenced matter. This case is currently scheduled for a telephone conference on Wednesday, April 29, 2020 at 2:30 pm with the parties' current respective deadlines to respond to first requests for interrogatories and production of documents set for this Friday, April 24, 2020. Please accept this correspondence as a joint letter from Plaintiff's Counsel and I given the continuing state of affairs in our respective offices due to the COVID-19 pandemic.

Since the last phone conference, the parties have been in contact and have continued to work to the extent possible given current operational constraints to respond to each other's first requests for interrogatories and production of documents. However, we have both agreed that completion of our responses and exchange of the necessary documents by Friday's deadline will not be possible as we are both working remotely and unable to go into our respective offices and/ or meet with our clients to compile our responses and the documents necessary for same for the reasons delineated in our last correspondence with the Court. Given the fluidity of the situation and the governor's directive last week extending the closure of schools and non-essential businesses until May 15, 2020, as well as current law enforcement policies regarding social distancing, it is unclear on how long the current constraints on our completion and exchange of these responses will last.

Given the foregoing situation, Plaintiff's Counsel and I believe that any phone conference in this case next week would again be futile as nothing has changed since our last correspondence. While we will make ourselves available to discuss these issues with the Court telephonically, we obviously do not wish to waste the Court's time. Without the

exchange of the discovery documents, we feel it will be difficult to have any productive conversation at this juncture. As such, we write to jointly request that the telephone status conference scheduled for April 29, 2020 be adjourned forty-five (45) days, given the current unprecedented and fluid situation, and that the time for responses to the outstanding first requests for interrogatories and production of documents minimally be extended to that point with leave for further extension, should this pandemic escalate and the circumstances merit same. Based upon these requests, we submit for the Court's consideration the following joint revised discovery schedule with leave to request further extensions, if necessary, given the COVID-19 pandemic's fluid implications:

- Deadline to respond to first requests for interrogatories and production of documents: June 8, 2020 (with conference date shortly thereafter on a date convenient to the Court)
- The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - expert witnesses on or before August 10, 2020
 - rebuttal expert witnesses on or before September 14, 2020
- All discovery, including depositions of experts, shall be completed on or before October 26, 2020

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ Stacy A. Skorupa

Stacy A. Skorupa

Assistant County Attorney

Suffolk County Attorney's Office

cc: Ernest Spivak, Esq. (via ECF)